



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
097130,659	08/07/98	ROWE K	13237-1092

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LM01/1027

EXAMINER
HUYNH, B

ART UNIT
2773

PAPER NUMBER

DATE MAILED: 10/27/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/130,659

Applicant(s)

Keith Lowe et al

Examiner

Huyard - Ba

Group Art Unit

2773

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 8/7/98
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 36-58 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 36-58 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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DETAILED ACTION

1. The preliminary amendments filed on 8/7/98 have been entered into the record. Claims 36-58 are pending in the application. Claims 1-35 have been canceled.

Double Patenting

2. Claims 36-58 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-37 of U.S. Patent No. 5,812,123, and claims 1-30 of US patent No. 5,623,613. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations recited in the pending claims are read on by the patents' claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 40-44, 48-49, 53-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #5,589,892 (Knee et al).

- As per claims 40, 48, 49, 53: Knee et al teach a system for displaying items of electronic information (figure 6), comprising:

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a first display for contemporaneously display a first group of the items (e.g., 61A, 62A, 63A, 64A),

a second display for contemporaneously displaying a second group of the items (e.g., 65A,B,C),

a viewing panel 61 extending along and defining a portion of each of the first and second displays to display the items of the first and second group,

an indicator (e.g., cursor) moving along the viewing panel to provide an indication of the selection of the items displayed in the viewing panel.

Knee et al fail to clearly teach that the viewing panel displays one item for each of the first and second group. However it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the displaying of one item at a time in the viewing panel. Motivation of the implementation is to conserve display space.

- As for claim 41: Knee et al fail to clearly teach that the in focus viewing panel is highlighted. However, highlighting an in focus object is well known in computer graphical user interface. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the highlighting of the viewing panel. Motivation of the implementation is to provide feedback to the user.

- As per claims 42, 43, 44: A direction of movement 184 is provided in response to the location of the cursor (col. 18, lines 41-51)

- As per claim 54: It would have been obvious to order the item alphabetically.

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- As per claim 55: It would have been obvious for each tile to include program name, date, time and channel (such as in figure 51).
- As per claim 56: It would have been obvious to display a predetermined number of tiles to control display estate.
- As per claim 57-58: It is implicitly included that the retrieved information tiles are stored within the database.

Inquires

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 305-9724 for informal or draft communications. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huynh-Ba whose telephone number is (703) 305-9794. The examiner can normally be reached on Monday-Friday from 8.00AM to 4.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim, can be reached on (703) 305-3821.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the

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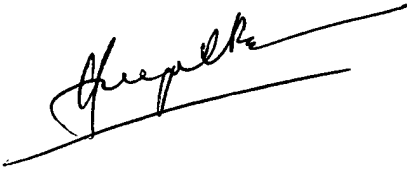
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Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Huynh-Ba
Primary Examiner
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10/25/98

A handwritten signature in cursive script, appearing to read 'Huynh-Ba', is written over two horizontal lines.